

JAMES MCMILLIAN	§	
VS.	§	CIVIL ACTION NO. 1:13-CV-518
MITCHELL NEWMAN, ET AL.	§	

Plaintiff James McMillian, a prisoner previously confined at the Jasper County Jail, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Sheriff Mitchell Newman and Marcus Barber.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing the claims against defendant Newman as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A partial judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

Tom Clark

Ron Clark, United States District Judge